

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)
)
)
vs.) Crim. No. 94-17 Erie
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)
BRUCE LEVETT WAYNE)

MEMORANDUM OPINION and ORDER

Presently before the Court is Bruce Levett Wayne's Motion for Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2). ECF No. 90.

At his sentencing on November 1, 1994, Mr. Wayne had a total offense level of 40 and a criminal history category of IV with a corresponding sentencing range of 360 months to life imprisonment. At that time we sentenced Mr. Wayne to 360 months' imprisonment. Following the United States Sentencing Commission adoption of Amendment 706 to the Sentencing Guidelines on November 1, 2007, to address the disparities between sentences based on crack and powder cocaine, we reduced Mr. Wayne's sentence to 324 months' imprisonment.

Mr. Wayne now moves for a further reduction of his sentence under section 3582(c)(2) based on Sentencing Commission again amending the Guidelines to decrease the offense levels applicable to specific weights of crack cocaine. Again, the Commission determined that the Amendment should apply retroactively to offenders who are presently serving terms of imprisonment.

We have received several letters in support of Mr. Wayne's motion for a reduction in sentence from his family members, including two of Mr. Wayne's aunts and a cousin. In particular, we note that Mr. Wayne's sister and his father have written eloquent letters to the

Court on Mr. Wayne's behalf. We agree that a reduction is appropriate, and in this case I will grant Mr. Wayne's motion and reduce his sentence to the minimum permitted under the law.

Applying the new Amendment to Mr. Wayne's circumstances results in a total offense level of 36. With a Criminal History Category of IV, Mr. Wayne's amended guideline range is 262 to 327 months' imprisonment. The government does not oppose this motion. Accordingly, we will grant Mr. Wayne's motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and impose a sentence of 262 months.

AND NOW, to-wit, this 13th day of December, 2011, it is hereby ORDERED, ADJUDGED and DECREED that Defendant's Motion for Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 90) be and hereby is GRANTED. A separate Order imposing the sentence reduction will be filed.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Counsel of record
Probation